

STATE OF SOUTH CAROLINA

(Caption of Case)

Happy Rabbit, LP on behalf of Windridge  
Townhomes,  
Complainant,

v.

Alpine Utilities, Inc.,  
Defendant.

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2008 - 360 - S

(Please type or print)

Submitted by: Benjamin P. Mustian, Esquire

SC Bar Number: 68269

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Columbia, SC 29202

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Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other:

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input checked="" type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest	
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit	
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report	

Print Form

Reset Form

**WILLOUGHBY & HOEFER, P.A.**

ATTORNEYS & COUNSELORS AT LAW

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ALAN WILSON  
SPECIAL COUNSEL

\*ALSO ADMITTED IN TX

April 13, 2009

**VIA HAND DELIVERY**

Richard L. Whitt, Esquire  
**Austin & Rogers, P.A.**  
508 Hampton Street, Suite 300  
Columbia, SC 29211

RECEIVED  
2009 APR 13 PM 4:27  
SC PUBLIC SERVICE  
COMMISSION

RE: Happy Rabbit, LP on Behalf of Windridge Townhomes, Complainant, v Alpine  
Utilities, Incorporated, Respondent; Docket No. 2008-360-S

Dear Mr. Whitt:

As you are aware, Happy Rabbit, LP ("Happy Rabbit") issued certain discovery requests on Alpine Utilities, Inc. ("Alpine"), namely its Second Set of Requests for Admissions, Third Set of Interrogatories and Third Set of Requests for Production<sup>1</sup> (collectively referred to herein as "Discovery Requests"). On April 2, 2009, Alpine filed a Motion for Protective Order with the Public Service Commission of South Carolina seeking a protective order with respect to further participating in discovery in the above-captioned matter. To date, the Commission has not yet ruled on Alpine's request in this regard.

It is Alpine's position that its Motion for Protective Order is an appropriate response of a party upon whom a discovery request is served and that such motion operates to prevent the matters from being admitted or requiring responses to the applicable discovery requests. See *Baughman v. American Telephone & Telegraph Co.*, 306 S.C. 101, 410 S.E.2d 537 (1991). See also 26 S.C. Code Ann. Reg. 103-835 (Supp. 2008). Therefore, Alpine believes that no response to Happy Rabbit's Discovery Requests is required.

However, out of an abundance of caution and to the extent such responses are required, Alpine herein denies each of Happy Rabbit's requests set forth in its Second Set of Requests for

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<sup>1</sup> Although Happy Rabbit styled its most recent Request for Production as the "Third Set," Alpine is not in receipt of any discovery request from Happy Rabbit identified as a "Second Set of Requests for Production."

Admissions not hereafter specifically admitted, denied or modified and subject to the following qualifications:

1. With respect to Request to Admit 2.1, 2.2, 2.4 and 2.5, Alpine denies same.
2. With respect to Request to Admit 2.3, Alpine admits that it is not aware that the Agreement has been recorded with the Register of Mesne Conveyances for Richland County, South Carolina. Alpine denies that recordation of the Agreement is required to assign the rights and obligations of the agreement to Happy Rabbit or Mrs. Cook or for Happy Rabbit and Mrs. Cook to exist as successors to that Agreement.
3. With respect to Request to Admit 2.6, Alpine does not have sufficient information to permit it to admit or deny whether the Agreement was drafted by Alpine or someone acting on Alpine's behalf.
4. With respect to Request to Admit 2.7, Alpine admits that the Agreement was not executed by Mrs. Cook or Happy Rabbit. Alpine denies that Mrs. Cook or Happy Rabbit have not "acknowledged" the Agreement. Further responding, Alpine denies that Mrs. Cook or Happy Rabbit are required to execute or "acknowledge" the agreement in order for the rights and obligations of the agreement to be assigned to Happy Rabbit or Mrs. Cook or for Happy Rabbit and Mrs. Cook to exist as successors to that Agreement.

Should the Commission deny Alpine's Motion for Protective Order, Alpine reserves its right to amend, supplement, revise and clarify its responses to Happy Rabbit's Second Set of Requests for Admissions.

If you have any questions, or need any additional information, please do not hesitate to contact me. With best regards, I am

Sincerely,

**Willoughby & Hoefer, P.A.**



Benjamin P. Mustian

BPM/cf  
Enclosures

cc: The Honorable Charles L. A. Terreni (via hand delivery)  
Nanette S. Edwards, Esquire (via first class mail)

**BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-360-S**

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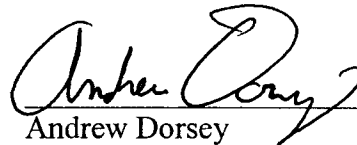
**CERTIFICATE OF SERVICE**

This is to certify that I have caused to be served this day one (1) copy of **Letter Regarding Discovery Requests** via hand delivery to the address below:

Richard L. Whitt, Esquire  
**Austin & Rogers, P.A.**  
508 Hampton Street, Suite 300  
Columbia, SC 29211

I further certify that I have caused to be served one (1) copy of the above-referenced document by placing same in the care and custody of the United States Postal Service with first class postage affixed thereto and addressed as follows:

Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
Post Office Box 11263  
Columbia, South Carolina 29211

  
Andrew Dorsey

Columbia, South Carolina  
This 13<sup>th</sup> day of April, 2009.

SC PUBLIC SERVICE  
COMMISSION

2009 APR 13 PM 4:28

RECEIVED